

# Exhibit A

NO. \_\_\_\_\_

RESEIAN GAITHER	§	IN THE DISTRICT COURT OF
Plaintiff,	§	
	§	
V.	§	HARRIS COUNTY, T E X A S
	§	
IDENTITY ARCHITECTS, INC.	§	
Defendant.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Reseian Gaither, files this original petition against Defendant, Identity Architects, Inc. ("Identity"), for discriminating against her because of her sex and disability. This case will be controlled by Discovery Plan Level Two (2) as required by TEX. R. CIV. P. 190.

**PARTIES, RESIDENCE AND SERVICE**

Plaintiff, Reseian Gaither, is a resident of Harris County, Texas.

Defendant, Identity, is a Texas corporation doing business in Texas, which maintains a registered agent for service of process. Identity can be served by serving its registered agent, Keenon Rayner, or any other officer of the corporation, at 111 Travis Street, Houston, Texas 77002.

**JURISDICTION AND VENUE**

The amount in controversy is within the jurisdictional limits of this Honorable Court. Because the incidents which form the basis of this petition occurred in Harris County, Texas, venue is proper in this Court. TEX. CIV. PRAC. & REM. CODE § 15.002.

### **FACTS**

Reseian Gaither was an Interior Designer for Identity. She was discriminated against because of her sex and regarded disability. Reseian Gaither was specifically asked if she was pregnant by David Kastendiek. On information and belief, Mr. Kastendiek was asking this improper question because of Identity's elevated medical benefits costs and his prejudiced presumption that pregnant women leave the workplace. When Reseian Gaither informed Mr. Kastendiek that she was pregnant, he looked at her with surprise and asked if she was coming back. Mr. Kastendiek then stopped giving her work, and fired her due to "job elimination." Her job was later posted online.

### **CONDITIONS PRECEDENT**

All conditions precedent necessary to filing suit and recovering from Defendant have been performed or have occurred. Reseian Gaither has fulfilled all administrative prerequisites to initiating this lawsuit. Within 180 days of discovering the discriminatory conduct of Defendants, Reseian Gaither filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and the Texas Workforce Commission-Human Rights Division ("TWC").

### **EMPLOYMENT DISCRIMINATION**

Defendant's actions constitute violations of the Texas Commission on Human Rights Act ("TCHRA") against discriminatory employment practices based upon a person's sex and regarded disability. TEX. LAB. CODE §§ 21.051. These acts also violate Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§2000(e) *et seq.*, the Americans With Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12101 *et seq.*, and the Americans With Disabilities Act Amendments Act of 2008 ("ADAAA"). The acts of Defendant constitute discrimination against Plaintiff in the compensation, terms, conditions

and privileges of her employment based upon her sex and regarded disability. This discrimination and retaliation is the cause of both economic and compensatory damages suffered by Plaintiff.

**DAMAGES FOR EMPLOYMENT DISCRIMINATION**

Reseian Gaither is now suffering and will continue to suffer injury and monetary damages as a result of Defendant's discriminatory practices unless this Court grants relief. Reseian Gaither has suffered damages in the form of back pay, front pay, lost benefits, and compensatory damages. Reseian Gaither seeks punitive damages due to Identity's malicious actions toward her.

**ATTORNEY'S FEES**

It has become necessary for Reseian Gaither to retain the undersigned to pursue her case, and she seeks to recover attorney's fees and expert fees. Pursuant to Texas Rule of Civil Procedure 47(c), monetary relief is sought over \$200,000 but not more than \$1,000,000.00.

**CONCLUSION AND PRAYER**

Plaintiff, Reseian Gaither, requests that Defendant, Identity Architects, Inc., be cited to appear and answer, and that after final hearing on this matter, Plaintiff have judgment against Defendant for all actual damages outlined above, punitive damages, attorney's fees, expert fees, prejudgment and post-judgment

interest at the highest rates allowed by law, costs of court, and all other relief, both general and special, legal and equitable, to which Plaintiff is entitled.

Respectfully submitted,

Craig R. Keener, P.C.

/s/ Craig R. Keener

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